

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re: | : | Chapter 11 |
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| NETWELL HERBTONICS OPCO, LLC | : | (Subchapter V) |
| | : | |
| Debtor. ¹ | : | Case No. 22-10046 (DSJ) |
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| In re: | : | Chapter 11 |
| | : | |
| NETWELL HERBTONICS HOLDCO, LLC | : | (Subchapter V) |
| | : | |
| | : | Case No. 22-10045 (DSJ) |
| | : | |
| Debtor. | : | |
| | : | |
| ----- | X | |

**ORDER, PURSUANT TO 11 U.S.C. §§ 105(a), 305(a), AND 1112(b),
DISMISSING THE SUBCHAPTER V CASES WITHOUT PREJUDICE**

Upon the motion (the “Motion”) of Netwell HerbTonics OPCO, LLC (“OPCO”) and Netwell HerbTonics HOLDCO, LLC (“HOLDCO”, and together, the “Debtors”), the debtors and debtors-in-possession in the above-referenced Chapter 11 cases, filed under the Subchapter V election (the “Subchapter V Cases”), seeking entry of an order (this “Order”), pursuant to sections 105(a), 305(a), and 1112(b) of Title 11 of the United State Code (the “Bankruptcy Code”), authorizing the dismissal of the Subchapter V Cases, without prejudice; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b); and consideration

¹ The Debtors herein and the last four digits of their respective tax identification number are: Netwell HerbTonics OPCO LLC (6068) and Netwell HerbTonics HOLDCO LLC (9738). The Debtors’ principal place of business is 1350 Avenue of the Americas, 2nd Fl., New York, New York.

of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and upon the record of the hearing held before this court (the “Hearing”), the record of which is incorporated herein; and due notice of the Motion and the Hearing having been given under the circumstances and it appearing that no other or further notice need be given; and any objections to the requested relief having been overruled; and, after due deliberation, the Court having determined that the Debtors have established good and sufficient cause for the dismissal of the Subchapter V Cases and that such dismissal, without prejudice, rather than the conversion of the Subchapter V Case to a case under chapter 7 of the Bankruptcy Code or confirmation of a plan of reorganization under Chapter 11 of the Bankruptcy Code, is in the best interests of creditors and, to the extent relevant, the Debtors’ interest holder(s); now, therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is granted and the Debtors’ Subchapter V Cases are hereby dismissed, without prejudice, pursuant to sections 105(a), 305(a), and 1112(b) of the Bankruptcy Code.
2. The Debtors shall not receive a discharge of debts upon the dismissal of the Subchapter V Cases.
3. Except to the extent set forth herein or in any prior order of this Court in the Subchapter V Cases, no individual creditor or party in interest shall be deemed to have released any claim against the Debtors.
4. Notwithstanding the provisions of Bankruptcy Rules, to the extent applicable, this Order shall not be stayed for fourteen (14) days after its entry and shall be effective immediately upon entry, and the Debtors are authorized to take all steps necessary to close the Subchapter V Cases immediately upon entry of this Order and have agreed to do so.

5. Time is of the essence in dismissing and closing these Subchapter V Cases. The Clerk of the Court is directed to close each of the Subchapter V Cases as promptly as possible immediately upon entry of the orders dismissing these cases.

6. Notwithstanding the foregoing, this Court shall retain jurisdiction to hear all matters arising from this Order or the dismissal of these Subchapter V Cases.

7. Within three hours of entry of this Order, counsel for the Debtors shall cause a copy of this Order to be served by electronic mail upon all creditors and parties in interest to these Subchapter V Cases whose e-mail address is known as of the time of service.

Dated: New York, New York
February 3, 2022

s/ David S. Jones

HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE